

DOCKET NUMBER: AT9-97-761

DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

A HIGHLY SCALABLE AND HIGHLY AVAILABLE CLUSTER SYSTEM MANAGEMENT SCHEME

the specification of which (check one)

is attached hereto.

was filed on _____
as Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s): | Priority Claimed | | |
|-------------------------------|------------------|-------------------------|----------------------|
| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year)</u> | <u>Yes</u> <u>No</u> |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|-------------------------------|----------------------|-----------------|
| <u>(Application Serial #)</u> | <u>(Piling Date)</u> | <u>(Status)</u> |
|-------------------------------|----------------------|-----------------|

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John W. Henderson, Jr., Reg. No. 26,907; Thomas E. Tyson, Reg. No. 28,543; Robert M. Carwell, Reg. No. 28,499; Jeffrey S. LaBaw, Reg. No. 31,633; Douglas H. Lefeve, Reg. No. 26,193; Mark S. Walker, Reg. No. 30,699; Casimer K. Salys, Reg. No. 28,900; David A. Mims, Jr., Reg. No. 32,708; Richard A. Henkler, Reg. No. 39,220; Volel Emile, Reg. No. 39,969; James H. Barksdale, Jr., Reg. No. 24,091; Anthony V. England, Reg. No. 35,129; Leslie A. Van Leeuwen, Reg. No. P-42,196; Christopher A. Hughes, Reg. No. 26,914; Edward A. Pennington, Reg. No. 32,588; John E. Hoel, Reg. No. 26,279; and Joseph C. Redmond, Jr., Reg. No. 18,753; Andrew J. Dillon, Reg. No. 29,634; Kenneth C. Hill, Reg. No. 29,650; Melvin A. Hunn, Reg. No. 32,574; Max Ciccarelli, Reg. No. 39,454; Daniel B. Venglarik, Reg. No. 39,409; Jack V. Musgrove, Reg. No. 31,986; Brian F. Russell, Reg. No. 40,796; Alan L. Carlson, Reg. No. 40,939; Philip T. Virga, Reg. No. 36,710; Kermit D. Lopez, Reg. No. P-41,953; Dale R. Cook, Reg. No. P-42,434; Justin M. Dillon, Reg. No. P-42,486; and Antony P. Ng, Reg. No. P-43,032.

Send correspondence to: Andrew J. Dillon, FELSMAN, BRADLEY, GUNTER & DILLON, LLP, Suite 350 Arboretum Point, 9505 Arboretum Boulevard, Austin, Texas 78759, and direct all telephone calls to Andrew J. Dillon, 512/343-6116.

FULL NAME OF SOLE OR FIRST INVENTOR: James W. Arendt

INVENTORS SIGNATURE: James W. Arendt DATE: June 30, 1998

RESIDENCE: 1501 Blackjack Drive
Round Rock, Texas 78681

CITIZENSHIP: U.S.

POST OFFICE ADDRESS: 1501 Blackjack Drive
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FULL NAME OF SECOND INVENTOR: Ching-Yun Chao

INVENTORS SIGNATURE: Ching-Yun Chao DATE: June 30, 1998

RESIDENCE: 11518 Rustic Rock Drive
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CITIZENSHIP: U.S.

POST OFFICE ADDRESS: 11518 Rustic Rock Drive
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FULL NAME OF THIRD INVENTOR: Rodolfo Ausgusto Mancisidor

INVENTORS SIGNATURE: Rodolfo Augusto Mancuso DATE: 7/8/98

RESIDENCE: 14601 Sandy Side Drive
Austin, Texas 78728

CITIZENSHIP: Mexico

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Austin, Texas 78728

A S S I G N M E N T

Whereas, we,

(1) James W. Arendt
County of Williamson

of Round Rock,
and State of Texas,

and
(2) Ching-Yun Chao
County of Travis

of Austin,
and State of Texas,

and
(3) Rodolfo Augusto Mancisidor
County of Williamson

of Austin,
and State of Texas,

have invented certain improvements in

A HIGHLY SCALABLE AND HIGHLY AVAILABLE
CLUSTER SYSTEM MANAGEMENT SCHEME

and executed, respectively, a United States patent application therefor on
(1) June 30, 1998, and (2) ~~June 30~~, 1998, and
(3) July 8, 1998. *(c/g)*

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

(1) Signed at Austin on June 30, 1998.

James W. Arendt
James W. Arendt

and (2) Signed at Austin on June 30, 1998.

Ching-Yun Chao
Ching-Yun Chao

and (3) Signed at Austin on July 8, 1998.

Rodolfo Augusto Mancisidor
Rodolfo Augusto Mancisidor